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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/806,830 | 03/23/2004 | Yuko Nishikawa | 81233 7114 | 4246 |
| 37123 7590 11/15/2007 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603 | | | EXAMINER TAYLOR, JOSHUA D | |
| | | | ART UNIT 4157 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,830

Applicant(s)

NISHIKAWA ET AL.

Examiner

Josh Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

7. Claims (1-14) rejected under 35 U.S.C. 102(b) as being anticipated by Gutta, US 6,727,914.

Regarding claim 1, Gutta discloses as claimed:

A method to facilitate use of an interactive program guide, comprising:
providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs (column 3, lines 38-42);

displaying an interactive program guide comprising at least one of the characterizing descriptors as corresponds to a particular one of the discrete selectable audio/visual programs (column 3, lines 22-24);

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detecting preliminary selection of a particular one of the discrete selectable audio/visual programs to provide a preliminarily selected audio/visual program (column 1, lines 35-44);

when a user selects the preliminarily selected audio/visual program, automatically taking a first predetermined action with respect to the preliminarily selected audio/visual program (column 1, lines 35-44);

when a user preliminarily selects a different one of the plurality of discrete selectable audio/visual program, automatically taking a second predetermined action with respect to the preliminarily selected audio/visual program, which second predetermined action is different than the first predetermined action (column 1, lines 35-44);

when a user takes an action with respect to the preliminarily selected audio/visual program, which action does not comprise either selecting the preliminarily selected audio/visual program or preliminarily selecting a different audio/visual program, automatically taking a third predetermined action with respect to the preliminarily selected audio/visual program, which third predetermined action is different than the first and the second predetermined action (column 1, lines 35-44).

Regarding claim 2:

The method of claim 1 wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs comprise at least one of: a programming network identifier; a broadcast starting time; a description of

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audio/visual content as corresponds to the audio/visual program; audio/visual program media source (column 3, lines 38-42).

Regarding claim 3:

The method of claim 2 wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media (column 2, lines 5-12).

Regarding claim 4:

The method of claim 1 wherein taking a first predetermined action comprises adding information regarding the preliminarily selected audio/visual program to a list of preferred items (column 2, lines 12-16).

Regarding claim 5:

The method of claim 1 wherein taking a second predetermined action comprises moving an area of visual focus away from the preliminarily selected audio/visual program (column 3, lines 22-26).

Regarding claim 6:

The method of claim 1 wherein taking a third predetermined action comprises displaying the list of preferred items (column 3, lines 22-26).

Regarding claim 7:

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The method of claim 1 wherein:

taking a first predetermined action comprises adding information regarding the preliminarily selected audio/visual program to a list of preferred items;

taking a second predetermined action comprises moving an area of visual focus away from the preliminarily selected audio/visual program;

and taking a third predetermined action comprises displaying the list of preferred items. This claim is a restatement of claims 4-6, and is thus rejected for the reasons listed above.

Regarding claim 8:

The method of claim 1 wherein detecting preliminary selection of a particular one of the discrete selectable audio/visual programs further comprises detecting at least a predetermined relationship between a present position of one of the characterizing descriptors as corresponds to the particular one of the discrete selectable audio/visual programs and an area of visual focus (column 3, lines 53-59).

Regarding claim 9:

The method of claim 1 and further comprising determining when the user selects the preliminarily selected audio/visual program by detecting when the user asserts a selection action at a time when a characterizing descriptor as corresponds to the preliminarily selected audio/visual program occupies, at least in part, a same portion of a display as a predetermined area of visual focus (column 3, lines 53-59).

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Regarding claim 10:

A method to facilitate provision of an interactive programming guide, comprising:

providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content (column 3, lines 38-42);

providing an updatable list of preferred items of audio/visual content (column 1, lines 42-44);

displaying an interactive programming guide comprising at least one of the characterizing descriptors (column 1, lines 42-44);

providing an area of visual focus on a particular displayed one of the characterizing descriptors (column 1, lines 42-44);

in response to a first signal, adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updatable list of preferred items of audio/visual content (column 1, lines 45-54);

in response to a second signal that is different from the first signal, moving the area of visual focus to a different one of the characterizing descriptors (column 1, lines 45-54);

in response to a third signal that is different from both the first signal and the second signal, displaying the updatable list of preferred items of audio/visual content (column 1, lines 45-54).

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Regarding claim 11:

The method of claim 10 wherein the response to the third signal further comprises not displaying characterizing descriptors as correspond to items of audio/visual content that are not on the list of preferred items of audio/visual content (column 3, lines 1-5).

Regarding claim 12:

The method of claim 10 further comprising: receiving at least one of the first signal, the second signal, and the third signal from a remote control device. It is inherent to use a remote control in this capacity.

Regarding claim 13:

The method of claim 10 wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media (column 2, lines 5-12).

Regarding claim 14:

The method of claim 10 further comprising: automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time (column 3, lines 53-59).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Josh Taylor whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


VU LE
SUPERVISORY PATENT EXAMINER